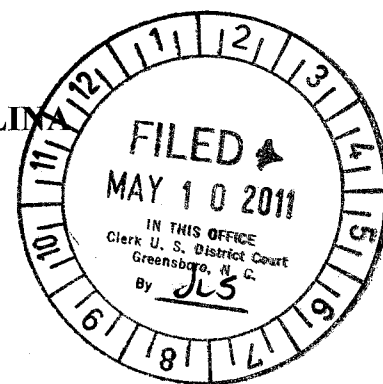


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



JIHUI ZHANG

PLAINTIFF,

v.

FEDERATION OF STATE MEDICAL
BOARDS, NATIONAL BOARD OF
MEDICAL EXAMINERS, AND
PROMETRIC,

DEFENDANTS.

Civil Action No. 1:11-CV-129

PLAINTIFF'S OPPOSITION TO
DEFENDANT PROMETRIC INC.'S MOTION TO DISMISS

The case before the Court is not complicated by any measure. It centers on whether Defendant Prometric Inc. ("Prometric") has violated the United States Medical Licensure Examination (USMLE) policy and breached a contract between Plaintiff and the Defendants Federation of State Medical Boards (FSMB), National Board of Medical Examiners (NBME), and Prometric Inc.

Plaintiff Jihui Zhang, *pro se*, respectfully requests that this Court deny Defendant Prometric Inc.'s Motion to Dismiss and permit Plaintiff's claims to proceed to discovery and trial. In support of the opposition, the Plaintiff relies on his simultaneously filed Brief in Opposition to Defendant Prometric Inc.'s Motion to Dismiss and states:

1. In violation of USMLE policy, Prometric assigned the Plaintiff's Step 3 test to two non-consecutive days without a justifiable cause, instead of two consecutive days.

2. The local Prometric test center, where the Plaintiff took his Step 3, failed to abide by USMLE policy and negligently permitted the Plaintiff to take his Step 3 test as inappropriately assigned.

3. Actions by Prometric constitute a breach of contract between the Plaintiff and the three Defendants FSMB, NBME, and Prometric Inc.

4. Due to the fact that Plaintiff's Step 3 test was taken on two non-permissible and non-consecutive days, the Plaintiff reasonably believes that Prometric did not electronically bundle the Plaintiff's Step 3 test data from the two test days in a proper manner for scoring by NBME. It, thus, led to a failing score in error for the Plaintiff.

5. The Plaintiff filed the complaint to request that this Court find whether Plaintiff's Step 3 test data were in fact properly bundled by Prometric and correctly scored by NBME.

WHEREFORE, for the foregoing reasons and those set forth in more detail in his Brief in support filed herewith, Plaintiff respectfully requests this Court deny Defendant's Motion to Dismiss and permit Plaintiff's claims to proceed to discovery and trial.

Respectfully submitted this 10th day of May, 2011.


JIHUI ZHANG, *pro se* Plaintiff
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Chapel Hill, NC 27516
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Plaintiff's Opposition to Defendant Prometric Inc.'s Motion to Dismiss was served upon Defendant's counsel on May 10th, 2011 by Certified Mail, Return Receipt Requested, postage prepaid, and addressed to the following:

Reid L. Phillips
Benjamin R. Norman
Brooks, Pierce, McLendon, Humphery & Leonard, LLP
2000 Renaissance Plaza
230 North Elm Street
Greensboro, NC 27401

The original Certified Mail receipt is attached. The return receipt, however, has not yet been returned from the recipient, and can be provided if required and when available.

This the 10th day of May, 2011.



JIHUI ZHANG, *pro se* Plaintiff
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